

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Pacific Gas and Electric Company (U-39-M) for an Order Under PUC Section 851 Approving the Leases of Certain Public Utility Properties.

Application 00-06-010

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING PACIFIC GAS AND ELECTRIC COMPANY (PG&E) TO SUBMIT ADDITIONAL INFORMATION**

This ruling requires PG&E to file and serve an amendment to Application (A.) 00-06-010 that contains the following information:

1. PG&E asserts that some of the lease agreements that are the subject of A.00-06-010 qualify as license agreements under General Order (GO) 69-C. PG&E shall identify each agreement that qualifies as GO 69-C license and provide a detailed explanation why the agreement qualifies. The explanation should demonstrate that the interest granted is for a "limited use" of PG&E's property; is revocable upon a Commission order or PG&E's determination that the revocation is necessary or desirable to serve its customers; and does not interfere with PG&E's operations, practices, and service to its customers.
2. PG&E claims that the lease agreements and/or the Commission's approval of the agreements are exempt from CEQA. PG&E shall describe in detail why CEQA does not apply to each agreement. In particular, Pub. Res. Code § 21000 et seq., and Title 14 of the California Code of Regulations Sections 15000-15387 (hereafter "CEQA Guidelines") enumerate various categorical exemptions from environmental review under CEQA. For each lease agreement, PG&E shall state which CEQA Guidelines apply and provide detailed evidence that demonstrates why the lease qualifies for an exemption under the CEQA Guidelines. For example, if PG&E claims that an activity that has occurred under

a lease is a “minor alteration” that is exempt under CEQA Guideline Section 15301, PG&E should describe in detail the location, extent, and nature of the alternation.

3. For each CEQA Guideline that PG&E claims is applicable, PG&E shall identify all the leases to which the CEQA Guideline applies.
4. On November 1, 2001, PG&E filed an amendment to A.00-06-010 that contained a revised Attachment A to A.00-06-010. The second and third columns from the right of Attachment A show for each lease the permits or other authority, if any, that was obtained by PG&E for the physical alterations and/or activities that have occurred under the lease. PG&E shall provide a copy of every such permit and other authority.
5. The fourth column from the left of Attachment A shows the termination date for each lease. For each lease that has expired, PG&E shall state whether the lessee (or successor in interest) still has access to, or use of, PG&E’s property. If access or use continues, PG&E shall provide the following information:
  - a. Whether the expired lease was replaced with a new lease, a license agreement that conforms to GO 69-C, or other agreement.
  - b. A copy of the new or amended agreement.
  - c. The date the new (or amended) agreement terminates.
  - d. If PG&E claims a new agreement is a GO 69-C license, PG&E shall provide a detailed explanation why the agreement qualifies as a GO 69-C license. The explanation should demonstrate that (i) the agreement is for a “limited use” of PG&E’s property; (ii) the agreement is revocable upon a Commission order or PG&E’s determination that the revocation is necessary or desirable to serve its customers; and (iii) the agreement does not interfere with PG&E’s operations, practices, and service to its customers.
6. Whether any of the leased property that is the subject of A.00-06-010 has been sold or otherwise disposed of since the Application was filed. For each sale or disposal, PG&E shall (i) identify the property and associated lease, (ii) provide the date of the sale or disposal, (iii) cite the Commission decision that grants PG&E authority to sell/dispose of the property, (iv) the

amount of the sales proceeds, if any; (v) the gain or loss on the sale; and (vi) the regulatory disposition of the gain or loss.

PG&E shall file and serve by November 6, 2003, an amendment to A.00-06-010 that contains the information required by this ruling. Responses to PG&E's amendment, if any, must be filed and served by no later than November 20, 2003. PG&E shall provide an electronic copy of its amendment to the assigned Administrative Law Judge (ALJ) via email (tim@cpuc.ca.gov). Any party that files a response shall also provide an electronic copy of its response to the assigned ALJ via email. The electronic copy of PG&E's amendment and the responses, if any, shall be in Microsoft Word for Windows.

**IT IS RULED** that:

1. Pacific Gas and Electric Company (PG&E) shall file and serve by November 6, 2003, an amendment to Application (A.) 00-06-010 that contains the information specified in the body of this ruling. Responses to PG&E's amendment, if any, shall be filed and served by November 20, 2003.

2. PG&E shall provide an electronic copy of its amendment to the assigned Administrative Law Judge (ALJ) via email (tim@cpuc.ca.gov). Any party that files a response shall provide an electronic copy of its response to the assigned ALJ via email. The electronic copy of PG&E's amendment and the responses, if any, shall be in Microsoft Word for Windows.

Dated October 16, 2003, at San Francisco, California.

/s/ TIMOTHY KENNEY

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Timothy Kenney  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have this day served by first class mail a true copy of the original attached Administrative Law Judge's Ruling Requiring Pacific Gas and Electric Company to Submit Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated October 16, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.